1999-323@226602 2000-265-C-226603 2001-21C-226604

226887

ROBINSON, MCFADDEN & MOORE, P.C.
COLUMBIA, SOUTH CAROLINA

Bonnie D. Shealy

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ROBINSON MCFADDEN
ATTORNEYS AND COUNSELORS AT LAW

October 28, 2010

VIA ELECTRONIC FILING

Jocelyn Boyd, Interim Chief Clerk of the Commission Public Service Commission of South Carolina PO Drawer 11649 Columbia, SC 29211

Re:

Birch Communications, Inc.

Docket No. 2010-325-C Our File No. 30803-0001

DearJocelyn:

We are filing herewith the Affidavits of Publication from the following newspapers:

- 1. Greenville, The Greenville News;
- 2. Columbia, The State; and
- 3. Charleston, The Post and Courier.

If you have any questions, please have someone on your staff contact me.

Very truly yours,

ROBINSON, McFADDEN & MOORE, P.C.

Bonnie D. Shealy

BDS/tch

Enclosures

cc: Angela F. Collins, Esquire (via email)

TONIC C. HAWKINS ROBINSON, MCFADDEN & MOORE PO BOX 944 COLUMBIA SC 29202

AFFIDAVIT OF PUBLICATION

The Post and Courier

State of South Carolina

County of Charleston

Personally appeared before me the undersigned advertising clerk of the above indicated newspaper published in the city of Charleston, county and state aforesaid, who, being duly sworn, says that the advertisement of

(copy attached)						
28	of	said	newspaper	on	the	

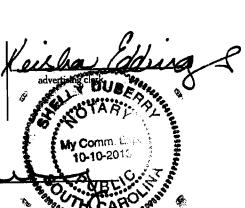
following appeared in the issues day(s):

10/01/10 Fri PC 10/01/10 Fri CNW

\$341.58 at a cost of 107217 Account# 396577 Order# 30803-0001 P.O. Number:

Subscribed and sworn to before

My commission expire







PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA CLEAK'S OFFICE

FILING

CKET NOS. 2010-325-C 1999-323-0

225-C, 1999-323-C, 2000-265-C AND 2001-265-C AND 20 Bommunications ("Birch Telecom") (Collectively, (Ife. "Collectively, (Ife. "Company"); and American Fiber Network, (Inc. ("AFN" or "Seller") (Birch Communications: STATE OF SOUTH CAROLINA collectively, the "Jointy Applicants") have jointly (COUNTY OF RICHLAND (Ife. "an Application with (Ife. Bublic Service Commission") for Personally appeared before me. ("Commission") for thority to transfer Self-s telecommunications sets and South Caroliaccustomer base to the ompany. This request made pursuant to S.C. ode Ann. §§ 58-9-280. 8-9-300 and 58-9-310. he assets to be purliased include customer accounts, accounts receivable, customer agreements and conl'acts, vendor agree-ments and contracts, and ments and contracts, and midelicityal property. According to the Joint Application, the proposed Transaction will be religiously the property of the property on file in the offices of Commission, 101 Ecutive Center Drive, Jumbia, South Caroli-

imission's website at my psc.sc.gov under defei Number(s) 2010-25 (c) 1999-323-C, 1900*265-C and 2001-15 (c) A copy of the polication is also availe from Bonnie D Shealy, Esquire, Robin-son McFadden & Moore, P.O. Box

29216 and on the

PC PO Box 944, Columbia SC 29202. A public hearing, if Solieduled, will be held in Golumbia, South Caroli-nas in the offices of the mmission at the above dress, for the purpose gress, for the purpose receiving testimony digital evidence from interested parties garding this Applica-the time and date this hearing will be fur-thed: to all interested arties at a later date. Any person who wishes

oparticipate in this mat-incas a party of record with the right of cross-axismination, should file Retition to Intervene in accordance with the Commission's Rules of Practice and Procedure or before October 28.

10 and indicate the purit of time required in his presentation. e include en email dress for receipt of re Commission correpondence in the Petition 0 intervene. Please efer to Dockel Nos. 10-325-C, 1999-323-

THE STATE MEDIA CO., INC. Columbia, South Carolina publisher of

The State

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

Notice of Filing - Docket Nos. 2010-325-C, 1999-323-C, 2000-265-C and 2001-21 C- Birch Communications Inc.

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

October 1, 2010

te jily an preent evi-arter at the hearing followed by the Clerk's litself with the Clerk's litself with the Office a telegiplatory Staff at 40 Main Street, Suite 000 200 Umbia, South a rolline, 29201: and on pie D, Shealy, southe at the above

person who wishes the notified of any along the theating, the stock wish to present the person of the theating, the stock office in willing the address below on the address below on the person willing.

fore October 28.

D6Cket.Nos. 2010-325-C. 1999-323-C. 2000-265-C 370-2081-21-C EUFASE-TAKE NOTICE:

Any Inprison who wishes to have his or her com-ments considered as part of the official record of

proceeding MUST at such comments ison to the Com-

rsons, seeking⊺intornation ebout the Com-nasion's Procedures hould contact the Com-

on,∂at (803) 896o Service Commis-of South Carolina n.: Clerk's Office

11649 Columbia, th Carolina 29211

Subscribed and sworn to before me

on this day

March 10, 2013

October 5, 2010

My commission expires

Notary Public

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."

The Greenville News greenvilleonline.com

AFFIDAVIT

I, Sugan Mullinas	_, being the					
Advertising Sales Agent for Gannett, Inc., do hereby testify that						
the attached legal ad was published on						
10.5	, 2010,					
in The Greenville News and/or The Tribune Times.						
·						
dosa Mullere						
Sales Agent						
Carlotta S. Bell						
Carlotta G. Bell						
Notary Public for the State of South Carolina						
My Commission Expires July 22, 2020						
MILLIOTTA G. MILLIO						
NOTARL !						
NOTARY THE MANAGEMENT OF THE PARTY OF THE PA						

Ad Text:

4648944PUBLIC SERVICECOMMISSIONOF SOUTHCAROLINA CLERK'S OFFICE NOTICE OF FILING DOCKET NOS. 2010-325-C, 1999-323-C, 2000-265-C AND 2001-21-C Birch Communications, Inc. ("Birch Commu-nications" or "Purcha-ser"); Birch Telecom of the South, Inc., d/b/aBirch Communications("Birch Telecom") (co-lectively the "Comp-any"); and AmericanFiber Network, Inc.("AFN" or "Seller")(Birch Communica-tions, Birch Telecomand AFN collectively, the "Joint Applicants") have jointly filed an Ap-plication with the Pub-lic Service Commissionof South Carolina ("C-ommission") for au-thority to transfer Sell-er's telecommunica-tions assets and SouthCarolina customer baseto the Company. Thisrequest is made pursu-ant to S.C. Code Ann. §§58-9-280, 58-9-300 and 58-9-310. The assets to be purchased includecustomer accounts, ac-counts receivable, cus-tomer agreements andcontracts, vendoragreements and con-tracts, and intellectual property. According to the Joint Application, the proposed Trans-action will be transpa-rent to customers andwill not have a negative impact on the public in-terest, services to South Carolina custom-ers, or competition. A copy of the Applica-tion is on file in the of-fices of the Commis-sion, 101 Executive Cen-ter Drive, Columbia, South Carolina 29210 and on the Commis-sion's website atwww.psc.sc.gov underDocket Number(s) 2010-325-C, 1999-323-C, 2000-265-C and 2001-21-C. Acopy of the Applicationis also available fromBonnie D. Shealy, Es-quire, Robinson, McFadden & Moore, PC, P.O. Box 944, Columbia, SC 29202. A public hearing, ifscheduled, will be heldin Columbia, South Car-olina, in the offices of the Commission at the above address, for thepurpose of receivingtestimony and otherevidence from all inter-ested parties regardingthis Application. Thetime and date of thishearing will be fur-nished to all interestedparties at a later date. Any person who wishesto participate in thismatter, as a party of re-cord with the right ofcross-examination, should file a Petition toIntervene in accor-dance with the Com-mission's Rules of Prac-tice and Procedure onor before October 28,2010. and indicate theamount of time re-quired for his presenta-tion. Please include anemail address for rec-eipt of future Commis-sion correspondence in the Petition to Inter-vene. Please refer to Docket Nos. 2010-325-C,1999-323-C, 2000-265-Cand 2001-21-C. Any person who wishesto testify and presentevidence at the hearingshould notify the Clerk's Office, in writ-ing, at the address be-low, the Office of Regu-latory Staff at 1401Main Street, Suite 900, Columbia, South Caroli-na 29201, and Bonnie D.Shealy, Esquire, at theabove address, on orbefore October 28, 2010, and indicate theamount of time re-quired for his presenta-tion. Please

refer toDocket Nos. 2010-325-C,1999-323-C, 2000-265-Cand 2001-21-C. Any person who wishesto be notified of anychange in the hearing, but does not wish topresent testimony orbe a party of record, may do so by notifyingthe Clerk's Office, inwriting, at the addressbelow on or before Oc-tober 28, 2010. Pleaserefer to Docket Nos.2010-325-C, 1999-323-C,2000-265-C and 2001-21-C. PLEASE TAKE NOTICE:Any person who wishesto have his or her com-ments considered aspart of the official re-cord of this proceeding MUST present suchcomments, in person, to the Commission dur-ing the hearing. Persons seeking infor-mation about the Com-mission's Procedures should contact the Commission at (803)896-5100. Public Service Commis-sion of South Carolina Attn: Clerk's Office Post Office Drawer11649 Columbia, SouthCarolina 29211

THANK YOU FOR YOUR ADVERTISEMENT!

If I can be of further assistance, please call: 864-298-4100

Page 67 of 113